

**Follow-Up Audit
Police Community Complaint Process**

April 2005

**City Auditor's Office
City of Kansas City, Missouri**

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Members of the Board of Police Commissioners and Members of the City Council:

This audit of the Kansas City, Missouri, Office of Community Complaints (OCC) is a follow up to a 2000 audit of the OCC. One issue in the original audit was and continues to be credibility. Credibility is a common problem for police oversight agencies. Local stakeholders we interviewed expressed concerns about the credibility of the process used by the OCC to resolve formal allegations of police misconduct. To address these concerns, this audit identifies techniques that other jurisdictions have used to improve credibility of their oversight agencies.

The OCC could improve its credibility by providing more information on the complaint process and outcomes; expanding outreach efforts; and surveying and reporting officer and complainant satisfaction ratings. In addition, restructuring the OCC to have independent investigators would address the community's concern that sworn Internal Affairs Unit detectives cannot be objective when investigating alleged misconduct by other officers. We also recommend that a citizen advisory group be formed to act as the OCC Director's "eyes and ears" in the community and advise the Director on policy issues.

The ultimate goal of citizen oversight is better policing. While reviewing allegations of misconduct is important, it is only one role citizen oversight can play. Expanding the OCC's role to include participation in policy review would help the Police Department identify and address organizational issues and focus on preventing misconduct through policy change, education, and problem-solving. Complaint information should be one criterion used to identify officers who may be having problems on the job and need counseling or training.

The OCC has made some improvements since our 2000 audit. The OCC created a mediation program that has significantly increased the number of mediations conducted each year. In addition, the OCC produces a more timely annual report and added complaint intake locations at non-police facilities. However, we found that it was difficult to file a complaint at some intake locations and not all intake personnel follow procedures. The Internal Affairs Unit and the OCC do not meet complaint investigation and review deadlines, and some investigations are hampered by incomplete information and inconsistent interviewing skills.

The success of the citizen oversight process depends on the commitment and skills of the Board of Police Commissioners, Director of the Office of Community Complaints, Chief of Police, and the Commander of the Internal Affairs Unit. Each of these key participants serves two constituencies – the public the

Police Department protects and the employees they oversee. Only with the commitment of each of these participants will citizen oversight of the Kansas City Police Department be credible and successful.

The Director of the Office of Community Complaints and the Chief of Police received a draft of this report on March 18, 2005. The Director's response is included as an appendix. We appreciate the cooperation extended to us during the course of this audit by the Office of Community Complaints, the Internal Affairs Unit, and other employees of the Kansas City, Missouri Police Department. The audit team for this project included Deborah Jenkins and Nancy Hunt.

Mark Funkhouser
City Auditor

Police Community Complaint Process

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Introduction

Authority

We conducted this follow-up audit of the Police community complaint process under the authority of Chapter 84, Section 350, Revised Statutes of Missouri, which authorizes the City Auditor to audit the Police Department. This section provides that the City Auditor determine which agencies or divisions of the Police Department would most benefit from performance auditing and notify the Board of Police Commissioners. We identified the community complaint process as a priority in our June 1996 *Preliminary Review, Kansas City, Missouri Police Department*. Subsequently, we conducted a performance audit of the community complaint process in 2000.

The state statute also provides that the City Auditor schedule audits with the Board of Police Commissioners “as to not disrupt or interfere with the conduct of police business, the public’s safety or the normal course of said auditors’ duties or responsibilities for such city.” We discussed this audit with the Board and initiated it in accordance with these provisions.

Objectives

A performance audit systematically examines evidence to independently assess the performance and management of a program against objective criteria. Performance audits provide information to improve program operations and facilitate decision-making.¹

This report is designed to answer the following questions:

- How can the credibility of the OCC be improved?
- Has the OCC process improved since the original audit?

¹ Comptroller General of the United States, *Government Auditing Standards* (Washington, DC: U.S. Government Printing Office 2003), p. 21.

Scope and Methodology

We followed generally accepted government auditing standards for this performance audit. Our methods included:

- Interviewing staff of the Office of Community Complaints (OCC) and the Kansas City, Missouri, Police Department Internal Affairs Unit (IAU); Board of Police Commissioner members and the Board's Business Manager; and representatives of stakeholder groups.
- Reviewing budget and staffing information, policies and procedures, annual reports, brochures, and other written information about the complaint process.
- Testing complaint filing procedures at each of the eleven complaint-intake locations.
- Attending an OCC community meeting and Board of Police Commissioners meetings.
- Analyzing OCC and IAU database records for adherence to deadlines.
- Reviewing a judgmental sample of complaint files, listening to audiotapes of IAU detectives' interviews, and comparing interview transcripts with audiotapes.
- Interviewing representatives of the National Institute of Justice, Police Executive Research Forum, International Association of Chiefs of Police, Samuel Walker, Professor of Criminal Justice at the University of Nebraska in Omaha, and citizen oversight officials in seven other jurisdictions.
- Reviewing professional literature.

We omitted no privileged or confidential information from this report.

Background

The Kansas City, Missouri, Board of Police Commissioners established the Office of Community Complaints (OCC) as an independent civilian oversight agency in 1969. The OCC accepts complaints of alleged officer and employee misconduct, forwards appropriate complaints to the Police Department's Internal Affairs Unit (IAU) for investigation, reviews the IAU investigations, and determines what evidence exists to support or disprove complaints. The OCC also sets up mediations between complainants and officers, and does community outreach to inform the public about the purpose of the OCC and the complaint filing process. The OCC reports to the Board of Police Commissioners. The IAU reports to the Office of the Chief of Police.

About four years ago, we looked at the complaint process and found that:

- Filing a citizen complaint alleging police misconduct should be easier.
- Complaint intake procedures were not followed at all intake locations.
- Mediation was seldom used as an alternative resolution process.
- Investigation and review deadlines were not always met.
- The OCC's annual report needed to contain more useful information about the complaint process.

Findings and Recommendations

Summary

The success of citizen oversight depends on the commitment and skills of the key participants – the Board of Police Commissioners, Director of Office of Community Complaints, Police Chief, and Internal Affairs Unit Commander. Without their commitment, citizen oversight cannot be effective and is a waste of resources.

Lack of trust is a common issue for oversight agencies. The Board of Police Commissioners and the Director of the Office of Community Complaints can improve the credibility of the complaint process by adopting techniques that have been successful in other jurisdiction. The OCC should provide more information on the complaint process and outcomes. Complainants and officers should be surveyed about their experience with the complaint process and the results reported.

The ultimate goal of citizen oversight is to improve policing. Expanding the OCC's role could improve policing and enhance credibility. The OCC should establish a citizen advisory group to serve as the office's "eyes and ears" in the community and provide advice on police policies. The OCC should be included in discussions of policy revision. The OCC's review of complaints should be used as a management tool to identify recurring problems that could be addressed whether or not a complaint is sustained. Restructuring the OCC to have independent investigators should improve credibility by providing more separation from the sworn officers reporting to the Chief and more consistency in investigations.

The OCC has made improvements since our 2000 audit, including the creation of a mediation program, more timely and improved reporting, and adding complaint intake locations at non-police settings. However, it is still difficult to file a complaint. In addition, once a complaint is filed, neither the IAU nor the OCC consistently meets their complaint investigation and review deadlines.

Credibility Problems Plague Citizen Oversight Agencies

The success of citizen oversight requires the commitment and competence of key participants in the process. Distrust by law enforcement and the public is common for oversight agencies. Making the process as transparent as possible and creating meaningful community relationships has helped some agencies gain trust. Understanding complainant goals and assessing complainant and officer satisfaction with the process are also important.

Success of Oversight Depends on Key Participants

The talent, fairness, dedication, flexibility, and strength of the key participants—in particular, the Director of the OCC, IAU Commander, Police Chief, and Board of Police Commissioners – are vital to the success of an oversight process. It is critical for the key participants to play a strong leadership role, making it clear that each serves two constituency groups – the officers the department oversees and the citizens the department protects. Without this commitment, citizen oversight cannot be effective and is a waste of resources.

Credibility Concerns Are Common in Citizen Oversight Efforts

Concern about the credibility of the OCC was a recurrent theme in the meetings we attended and interviews we conducted. The community's perception was that the OCC is biased toward the police, and the police officers' perception was that the OCC is biased toward complainants. To determine whether this lack of confidence is common in citizen oversight agencies and, if so, what other agencies have done to address credibility issues, we talked to citizen oversight officials in other communities and reviewed citizen oversight literature. Distrust of the oversight process by law enforcement and the public appears to be common.

Other cities report credibility problems. We talked to citizen oversight officials in Boise, San Jose, Las Vegas, Omaha, Seattle, Cincinnati, and Los Angeles County.² Almost all said that trust issues are common. One official said there would always be those in the law enforcement community and the general community who will be unhappy because citizen oversight agencies are not advocates for one or

² To identify jurisdictions considered to have credibility with both the community and law enforcement, we asked the Department of Justice, Police Executive Research Forum, International Association of Chiefs of Police, National Association for Civilian Oversight of Law Enforcement, the American Civil Liberties Union, the National Association for the Advancement of Colored People, and the National Association of Local Government Auditors for referrals.

the other. Other officials also described wariness from the community and opposition from police departments and unions.

Oversight literature acknowledges credibility issues. Oversight literature notes that while citizen review promises benefits, including improved citizen-police relationships and enhanced trust in police actions, law enforcement has been wary of the concept.³ Police have expressed concern that citizen oversight represents outside interference, that oversight staff do not understand police work, and that the process is unfair.⁴

Oversight agencies are most effective when the police department views complaints as symptoms of problems. Complaints become management tools that highlight issues that need attention. This is in contrast to the traditional police view that complaints are attacks and threats that they must evade at all costs.

Police department resistance to citizen review can increase public concern that the department is not operating as fully in the interests of the community, or being as forthcoming as it should be on critical issues. When an oversight process is established, the community sometimes suspects reviewers are handpicked and will not function independently from the department.

Credibility Can Be Improved

Citizens and officers need to understand the complaint process in order to have faith in it. Many of the oversight officials we talked to said transparency in the complaint process is essential for improving credibility. They provide transparency through aggressive external and internal outreach, reporting outcomes, and creating meaningful community relationships. Measuring complainant and officer satisfaction, and understanding complainant expectations can also improve effectiveness.

Provide more information on complaint process and outcomes.

Oversight agencies enhance transparency through easily accessible reports that show the objectivity of the complaint process and information about outcomes of the process, including aggregate data about discipline of officers. Some oversight agencies provide monthly or quarterly reports on their websites in addition to publishing an annual

³ *Police Accountability and Citizen Review: A Leadership Opportunity for Police Chiefs*, International Association of Chiefs of Police, November 2000, section III. October 21, 2004, http://www.theiacp.org/profassist/ethics/police_accountability.htm#sec1.

⁴ Peter Finn, “*Citizen Review of Police: Approaches and Implementation*” (Washington, D.C.: U.S. Department of Justice, 2001), p. 109.

report. Such readily available information helps the police force and citizens trust the process. Some oversight agencies have found that police officers frequently access information on the website and it has helped dispel rumors within the department about oversight activities and findings.

The Director of the OCC should enhance transparency in the oversight process through frequent, easily accessible reports with information about outcomes of the oversight process.

Expand both internal and external outreach efforts. OCC staff give short presentations to recruits at the police academy and to graduates about the role of the OCC. Some oversight officials we talked to in other cities have a larger internal outreach program designed to provide ongoing training to officers about the role of their office. One oversight official we talked to said representatives of her office attended every roll call at every precinct last year to talk with officers about what the oversight office does.

The OCC has a community outreach program and has had occasional community meetings since 2003. In 2003, the OCC also began publishing a quarterly newsletter that it sends to people who have filed complaints and to members of civic and social groups. Despite these outreach activities, it was clear when we interviewed local stakeholder representatives that they misunderstood the OCC process. Community outreach requires persistent and targeted efforts to inform the public about the complaint process, clarify police department policies, listen to community concerns about the police, and ensure access to the complaint process.

The Director of the OCC should enhance transparency and promote awareness of the oversight process through expanded internal and external outreach efforts.

Measure complainant and officer satisfaction. Feedback from complainants and officers provides an oversight agency with information that can enhance its effectiveness. One oversight official we talked to surveys subject officers after the investigation is completed – including asking whether they considered it a fair process. The oversight agency also surveys complainants about customer service. This survey is done immediately following the initial investigation interview so that the outcome of the investigation does not color the complainant's responses. Although the OCC currently surveys mediation participants, it does not ask for feedback from complainants and officers involved in complaint investigations.

The Director of the OCC should survey complainants and subject officers involved in complaint investigations to identify aspects of the complaint process they feel were constructive and those that may need improvement.

Establish a citizen advisory group. In addition to regular community outreach, one oversight official we talked with created an advisory council made up of leaders from a variety of constituencies – including “activists” and those who “complained the loudest.” The advisory council does not review complaint cases, but does discuss policy issues and makes recommendations. She said this board serves as her “eyes and ears” in the community. She also holds public forums after every police shooting.

The Director of the OCC should create and seek input from an advisory group, made up of representatives from a variety of constituencies, as a source of information about community concerns and suggestions.

Restructuring the OCC Could Improve Policing and Enhance Credibility

The ultimate goal of citizen oversight is to improve policing. Expanding the role of the OCC to include policy review would help the Police Department address organizational issues – focusing on preventing misconduct through policy change, education, and proactive problem-solving. Including complaint information as one component of an early intervention system, could aid in identifying officers who are having problems on the job. Restructuring the OCC to include experienced but independent investigative staff could enhance credibility by providing more separation from uniformed police officers reporting to the Chief and more consistency in investigations.

OCC’s role should include policy review. Policy review involves looking at complaint information for patterns or recurring problems, and giving the police department feedback about areas where new or refresher training is needed or where policies need to be created or changed. It is separate from the disposition of a complaint. A complaint that is not sustained can still identify a policy question that needs action. Policy review is also a risk management tool that can help control the cost of civil litigation against a department.

Many experts regard policy review as the most valuable function an oversight agency can have because it influences an entire department, not just individual officers’ behavior. It serves a valuable preventive function and leads to improved policing by looking at the underlying causes of complaints and finding problem areas that need attention.

Oversight agencies can also provide important information about their work and reinforce transparency by publicly reporting their policy review activities and recommendations, whether a police department agrees to implement them or not.

To identify systemic problems that the Police Department can address through training and creating or changing policies, the Board of Police Commissioners should expand the OCC's role to include participation in policy review.

Oversight Agencies Can Help Strengthen Police Accountability

Complaints are a vital source of information about police conduct and about how the community views the police and police practices. Oversight agencies can alert a police department about officers who have repeated complaints made against them. Authorities have identified evidence that a few officers are responsible for a disproportionate share of complaints in any police department.⁵

An early intervention system is a police management strategy that looks at a variety of performance indicators to identify officers who may be having problems on the job and to provide them with the appropriate counseling or training. Citizen complaints can be one criteria used in early intervention systems.

The Board of Police Commissioners should expand the OCC role to include participation in an early intervention system.

The OCC Should Have Independent Investigators

The Board of Police Commissioners could better carry out its responsibility to protect citizens' rights and govern the conduct of the Police Department by changing the structure of the OCC to include having its own investigators, who are not sworn department personnel. Independent investigators would enhance credibility by providing more separation from uniformed police officers reporting to the Chief and more consistency in investigations.

Independent investigators would increase public credibility. People at the OCC community meeting we attended and representatives of local constituency groups we interviewed expressed general concern about the objectivity of IAU detectives. They believe that having members of the

⁵ Samuel Walker, Geoffrey P. Alpert, and Dennis J. Kenney, "Early Warning Systems: Responding to the Problem Police Officer," *National Institute of Justice Research in Brief*, July 2001, p. 1.

Police Department conduct the complaint investigations constitutes a conflict of interest, and that there should be no surprise that the public lacks confidence in this process. If the OCC had investigators who are independent of the Police Department, it would address this concern and add credibility to the process.

Some oversight agencies use independent investigators. Some cities we talked to use independent investigators rather than sworn police personnel to investigate allegations of police misconduct. In hiring independent investigators, the oversight agencies do not exclude candidates with previous law enforcement experience. However, the candidates usually cannot have had experience in that jurisdiction.

Independent investigators would provide more separation from uniformed police officers reporting to the Chief and more consistency in investigations. Detectives assigned to IAU are not required to have prior investigative experience, are only briefly assigned to IAU, and may identify too closely with the officers they investigate. Police officers rotate through IAU often coming directly from patrol. This can put them in the position of investigating someone they recently worked with. In addition, after their IAU assignment, detectives may go back to patrol duty and have to work with someone they had investigated.

Although the majority of OCC complaints are made against officers from patrol divisions,⁶ about 65 percent of detectives assigned to IAU in 2003 and 2004 came from patrol division assignments and about 40 percent of the detectives who moved out of IAU went to patrol divisions. About 55 percent of detectives had less than six years of experience as sworn officers when assigned to IAU, and about 60 percent of IAU detectives were transferred to new assignments within two years.

Independent investigators would add stability and experience to the oversight process because there would not be detectives, with varying investigative skill levels, rotating in and out.

OCC investigations are the IAU's primary workload. The IAU is responsible for "miscellaneous" investigations as well as investigations into police complaints. However, the "miscellaneous" investigations account for a relatively small percentage of IAU's work. In 2003 and 2004, about 90 percent of the IAU's investigations were on OCC complaints. The Police Department could cover the cost of independent

⁶ *Annual Report 2003*, Office of Community Complaints, Kansas City, Missouri, April 2004, p. 33.

investigators by reducing the number of IAU detectives to the number needed to do only miscellaneous investigations.

The Board of Police Commissioners should change the structure of the OCC to include independent investigators.

Despite Improvements, Complaint Handling Problems Remain

Since the original audit, the OCC has increased the use of mediation and conciliation, redesigned the annual report to contain information that is more useful, and added three complaint intake sites that are in non-police settings. During this follow-up audit, we found that some intake locations did not follow established procedures, creating barriers to making a complaint. Complaint forms and information are available only in English and are not available at the complaint intake locations without asking someone. The IAU and OCC are not meeting investigation and review deadlines. We also found problems that hampered some IAU investigations.

OCC Implemented Some Recommendations

As we recommended in our 2000 audit, the OCC has increased the use of mediation and conciliation, redesigned the annual report to contain information that is more useful, and added three complaint intake sites in non-police settings.

The OCC has increased the use of mediation and conciliation. Since the original audit, the OCC has significantly increased the use of mediation and conciliation to resolve complaints. At the time of the original audit, the OCC was doing about two mediations each year. In 2003, 60 complainants requested either mediation or conciliation and in 2004, 55 were requested. (See Exhibit 1.)

Exhibit 1. Mediation and Conciliation Outcomes, 2003-2004

Outcome	2003	2004
Successful ⁷	43	41
Unsuccessful	6	4
Non-cooperation	11	10
Total	60	55

Source: OCC.

⁷ Successful mediations/conciliations are those resulting in some resolution, even if it is “to agree to disagree.” Unsuccessful mediations/conciliations are those where the parties do not reach a resolution or those that were scheduled and not all parties showed up.

Mediation and conciliation are important alternatives for handling allegations of officer discourtesy and other less serious complaints. The literature suggests that complaint procedures designed to identify wrongdoing and punish the guilty are not well-suited to meet complainant expectations. Two studies looking at complainant goals found that most complainants do not seek to have the officer punished. Rather, complainants want to talk to the officer or someone in authority to explain their side of the story and obtain an apology or an explanation of the officer's actions.⁸

Conciliations arranged through the OCC allow the complainant to meet with a supervisor or commander to discuss the situation leading to the complaint and the complainant's concerns about the officer involved.

Mediations arranged through the OCC allow the officer and complainant to meet and talk about the incident that led to the complaint. The OCC uses independent, unpaid, federally-trained mediators to facilitate these meetings. Mediation is voluntary and takes the place of a full investigation. If the complainant requests mediation, the officer must also agree to participate.

After the mediation, the OCC asks the complainant and the officer to fill out satisfaction surveys, which the mediation coordinator reviews and puts in the case file. The OCC should compile the feedback to identify aspects of the mediation process that work well for participants and those that may need to be changed. The OCC should report this information to the Board of Police Commissioners.

OCC annual reports include more information and are more timely.

The OCC redesigned and expanded its annual report, and has begun publishing the report in a timelier manner. The OCC issued its 2003 report in April 2004. At the time of the original audit, annual reports were not timely – the OCC issued annual reports for both 1997 and 1998 in September 1999. The annual report now contains information about the complaint process that is more useful including explanations of the complaint procedures, definitions of terminology used, locations where complaints can be filed, and information about the activities of the OCC.

The OCC annual report does not include information about disciplinary actions taken by the Police Department in sustained complaint cases. Most of the oversight officials we talked to include information on disciplinary actions in their published and website reports. They report the information in aggregate without identifying information. The

⁸ Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (Belmont, CA: Wadsworth/Thomson Learning, 2001), p. 158.

Director of the OCC should report aggregate disciplinary action outcomes.

The OCC increased complaint intake locations. Since the original audit, the OCC added three community sites for complaint intake that are separate from the Police Department. Intake locations that are at non-police settings help reduce the discomfort some people feel about filing complaints with a uniformed officer at a police facility. In 2004, approximately 560 complaints were filed. About 45 percent of complaints were filed at the OCC and about 17 percent of complaints were filed at Move-Up, a non-police facility. (See Exhibit 2.)

Exhibit 2. Intake Locations for Complaints Filed in 2004

Location ⁹	Percentage of Complaints
OCC	44.9 %
Move-Up	16.6 %
Metro Patrol	8.0 %
Central Patrol	5.7 %
Headquarters	5.7 %
South Patrol	5.3 %
North Patrol	5.0 %
East Patrol	2.9 %
Unknown	2.1 %
Northland Neighborhoods, Inc.	1.8 %
Mail-In	1.6 %
Action Center	0.2 %
Juvenile Court	0.2 %
St. Aloysius Church	0 %
West Side Can Center	0 %
Total	100%

Source: OCC.

Filing Complaints Is Still Difficult

There are still barriers in the process that could discourage people from filing complaints. Staff at complaint intake locations do not always follow established procedures. Complaint forms and information are in English only and are not available at intake sites without asking someone for assistance.

Effective outreach includes making it easier for people in the community to know how and where to register their complaints. Connecting with groups who do not speak English or have a history of conflict with police is essential to successful outreach.

⁹ The Action Center and Juvenile Court are not formal complaint intake locations.

Complaint procedures are not always followed. We tested all 11 complaint intake locations including the OCC office to see whether there were barriers to filing a complaint. We found two intake locations that did not follow procedures. When asked for general information about how to file a complaint about a police officer, personnel at the North Patrol Division station incorrectly told the auditor that the name of the police officer must be known before a complaint could be filed and did not give the auditor a complaint form or any information about the process.

When asked how to file a complaint at Police Department Headquarters, personnel told the auditor that she would need to go to the OCC office at 635 Woodland. Only after the auditor asked if she had to go elsewhere, did personnel offer her a complaint form. Staff at Headquarters also did not follow procedures when we tested intake locations during the original audit. At that time, personnel told the auditor to go to the Jackson County courthouse to file a complaint against a Kansas City police officer.

When we tested procedures at the three new intake sites, staff at the Westside CAN Center could not find the forms, and staff at St. Aloysius Church said the forms had not yet been delivered to them. The Northland Neighborhoods, Inc. site was able to accept a complaint and did follow procedures – the intake person gave the auditor an accurate, comprehensive overview of the complaint process, a complaint form and written information about the process, and the business card of an OCC analyst.

The OCC followed established procedures when the Auditor's Office tested it. The remaining five complaint-intake locations provided a complaint form and accurately explained it could be filled out there and turned in, or filled out elsewhere and returned later.

The OCC has not monitored the complaint intake process. The OCC did not implement our previous recommendation to develop a way to test the complaint intake process. Our tests during this follow-up audit reinforce the need for the OCC to develop and institute testing and evaluation of intake procedures on a regular basis.

To ensure compliance with procedures and identify barriers to filing complaints, the Director of the OCC should regularly test intake procedures at all intake locations.

Complaint process information is not always readily available. When we tested procedures at the complaint intake sites, only 2 of the 11 provided written information about the complaint process along with a

complaint form. Complaint forms and written information about the process were not available at any of the intake sites without having to ask someone for assistance.

A copy of the OCC's complaint form can be downloaded from the Police Department's website, but there is little information about the complaint process included there. Information on the website is outdated and does not reflect policy changes that became effective in October 2003. For example, the number of days within which a complaint must be filed and the minimum age of complainants who can file without being accompanied by a parent or legal guardian are inaccurate, and not all complaint intake locations are listed.

Readily available information about how the complaint process works is fundamental. Information should be available at complaint intake locations without having to ask for it. Accurate, up-to-date information and complaint forms should also be easy to get at other locations and on the internet.

The OCC Director should ensure that complaint information and forms are available at intake and other locations, and that the information on the KCPD website about the complaint process is comprehensive and accurate.

Complaint information should be multilingual. The OCC informational material and complaint forms are available in English only. To ensure more people have access to the complaint process, the OCC should have material in languages other than English and should tailor outreach activities to reach people in the community who do not speak English. According to the United States 2000 Census, English is not the principal language for almost 10 percent of Kansas City, Missouri residents.

To ensure more people have access to the complaint process, the OCC Director should provide multilingual complaint forms and information about the complaint process, and tailor outreach activities to those who do not speak English.

Unmet Deadlines and Incomplete Information Impair Effectiveness

IAU and OCC did not always meet their investigation or review deadlines during 2003 and 2004. We found problems with some IAU interviews and incomplete information hampered some investigations.

IAU did not meet investigation deadlines in 2003 or 2004. IAU met their deadline in only 13 percent of cases assigned for investigation from

January through October 2003. IAU met the deadline in 60 percent of the cases we looked at assigned for investigation from January through September 2004. (See Exhibit 3.)

Exhibit 3. Timeliness of IAU Citizen Complaint Investigations¹⁰

	Jan-Oct. 2003	Jan-Sept. 2004
Number of complaint investigations completed	150	123
Number of complaint investigations completed by the due date	20	74
Percentage completed by due date	13%	60%

Source: IAU records and City Auditor's Office calculations.

We looked at how long it took IAU to complete investigations in 2003 and 2004 to see whether they were meeting the deadlines set by policy. Procedural Instruction 98-9 was in effect for most of 2003. It required that IAU complete investigations of citizen complaints within 30 workdays of receiving the complaint. If unable to complete the investigation within the allotted time, Procedural Instruction 98-9 directed the IAU to notify the OCC Director. Procedural Instruction 03-24 became effective on October 31, 2003. It changed the requirement to allow the IAU 60 calendar days for investigations.

The OCC did not meet review deadlines for most complaints. Only about one quarter of complaints filed in 2004 that resulted in a full investigation were reviewed by the OCC within the established deadlines. In 2003, only 13 percent of complaints were reviewed within the established timeframes. (See Exhibit 4.)

Exhibit 4. Timeliness of OCC Complaint Investigation Review¹⁰

	2003	2004
Number of complaints received	337	304
Number of complaints with findings	167	133
Number of complaints with findings completed by the due date	21	34
Percentage completed by due date	13%	23%

Source: OCC records and City Auditor's Office calculations.

Procedural Instruction 98-9, the policy in effect for most of 2003, gave the OCC 10 working days after receiving the completed investigation file from the IAU to review the file, make a determination, and have it reviewed by the OCC Director. When Procedural Instruction 03-24 became effective on October 31, 2003, it allowed 10 working days after receiving the completed investigation file from the IAU for the OCC analyst to review it and make a determination. It allowed another 10

¹⁰ Complaints that were not fully investigated because they were mediated, withdrawn, closed, or the complainant did not cooperate were omitted.

working days for the OCC Director to review the analyst's work before sending it to the Chief's office.

Incomplete information hampers investigations. We reviewed a judgmental sample of seven complaint files identified by the OCC staff and found that incomplete information posed problems for both complainants and officers. We found that an IAU detective's synopsis of video tapes of a complainant and officers was not a fair representation. The summary included details that reflected negatively on the complainant, but did not include an officer's inappropriate language. For another complaint, the Police Department denied IAU's request for records that eventually exonerated an officer. For a third complaint, the IAU initially interviewed only two officers although seven units responded to the incident, suggesting a less than comprehensive investigation.

Some detectives were more skilled interviewers than others. We listened to five recorded IAU interviews with officers and complainants, and read signed statements. We heard one exceptionally good IAU interview of a complainant. The detective asked pertinent, open-ended questions as required by IAU policy. The detective listened and understood the responses, and empathized with the complainant. We heard and read other interview statements during which detectives asked closed-ended, leading, compound, and indirect questions. One complainant complained to OCC staff that she was questioned too aggressively, as if she were guilty of a crime. Complainants are supposed to be treated cordially.

Recommendations

1. The OCC Director should provide more frequent and accessible reporting on the complaint process, including summarizing outcomes.
2. The OCC Director should expand internal and external outreach efforts.
3. The OCC Director should survey complainants and officers about their experiences with the complaint process and present results for both mediated and investigated complaints.
4. The OCC Director should create and seek input from an advisory group made up of representatives from a variety of community constituencies.
5. The Board of Police Commissioners should expand the role of the OCC to include participation in policy review.
6. The Board of Police Commissioners should establish an early intervention system that includes complaint information as an indicator.
7. The Board of Police Commissioners should change the structure of the OCC to include independent investigators.
8. The OCC Director should regularly test intake procedures at all complaint intake locations.
9. The OCC Director should ensure that complaint information and forms are available at a variety of locations and that the information on the KCPD website about the complaint process is comprehensive and accurate.
10. The OCC Director should provide multilingual complaint forms and information about the complaint process.

Appendix A

Director of the Office of Community Complaint's Response

**BOARD OF POLICE COMMISSIONERS
OFFICE OF COMMUNITY COMPLAINTS**

Century Towers, Suite 2102 – 635 Woodland Avenue

KANSAS CITY, MISSOURI 64106

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JAVIER M. PEREZ, JR.
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ANGELA WASSON-HUNT
VICE-PRESIDENT

KARL ZOBRIST
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JAMES B. WILSON
MEMBER

MAYOR KAY BARNES
MEMBER

DONNA M. WILSON
SECRETARY/ATTORNEY

BRYAN E. ROUND
ASST. SECRETARY/ATTORNEY

April 1, 2005

I. PEARL FAIN
DIRECTOR OF OCC

JOHNNIE A. CRAWFORD
OCC ANALYST

MERRELL R. BENNEKIN
OCC ANALYST

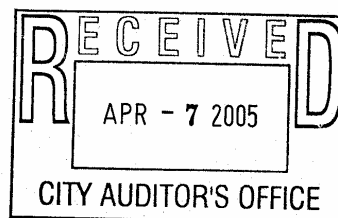
KAREN U. WILLIAMS
OCC ANALYST

MICHAEL L. WALKER
OCC ANALYST-MEDIATION COORDINATOR

TAMMY L. JAROWITZ
OCC SUPERVISOR

MARY LYNN CLARK
OCC ASSISTANT

Dr. Mark Funkhouser
City Auditor
21st Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106



Re: Response to Follow-Up Audit Report of the Police Community
Complaint Process

Dear Dr. Funkhouser:

Pursuant to your letter dated March 18, 2005, please accept and consider this my initial written response to Recommendations 1, 2, 3, 4, 8, 9, and 10 of your audit of the police community complaint process.

RECOMMENDATION 1:

The OCC Director should provide more frequent and accessible reporting on the complaint process, including summarizing outcomes.

To increase and improve the credibility of OCC and to enhance the transparency of the complaint process, I agree that there should be more frequent and accessible reporting on the complaint process. As noted in this audit, as of 2003 we publish our own newsletter profiling community and police members and providing statistical data regarding the outcomes of the complaints investigated by this office. Currently, in our newsletter we do not provide data in regard to discipline of members of the police department, but if the Board of Police Commissioners ("Board") agrees, we will include aggregate data about disciplinary action. Also, we report our statistical data and trends to the Board in

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a monthly open public meeting which is televised on the Kansas City, Missouri government channel.

It should be noted that OCC does have links to the police department's and the City of Kansas City's ("City") websites and we will begin utilizing them as a mechanism to highlight our statistical data and other pertinent information about the complaint process. Our goal will continue to be to develop additional means and methods to make the process more meaningful to the community and to the police department.

RECOMMENDATION 2:

The OCC Director should expand internal and external outreach efforts.

To increase and improve the credibility of OCC and to enhance transparency of the complaint process, I agree with this recommendation to expand internal and external outreach efforts. We have an extensive outreach program for a small complaint office, which currently consists of one (1) analyst who maintains an active caseload. However, this office manages to participate in all aspects of community, school, and police activities. Additionally, this office is called upon by members of the community and the police department to participate, organize, and lead various community activities and functions.

For the last few years we have been having quarterly community meetings whereby we have provided the public with information about the complaint process. We will continue to host the quarterly community meetings and will have them at different locations so the meetings can be accessible to all those interested in attending.

In regard to internal outreach efforts, in the last three (3) years we have only interacted with members of the police department during academy trainings (seminars) and when the patrol divisions' personnel were trained on the newly revised OCC policy. However, for many years we attended roll calls to discuss any concerns the members of the police department had with the complaint process. To enhance our trustworthiness with members of the department, we will resume attending roll calls.

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RECOMMENDATION 3:

The OCC Director should survey complainants and officers about their experience with the complaint process and present results for mediated and investigated complaints.

To increase and improve the credibility of OCC and to enhance the transparency of the complaint process, I agree with the recommendation to conduct surveys of complainants and department members regarding their satisfaction with the complaint process. In the past, we have conducted satisfaction surveys of the complainants, but with little success. Many of the complainants would not return the surveys, which included postage-paid return envelopes. Out of a mailing of 200 surveys, approximately 5% of them were returned for our evaluation. Telephone surveys were also conducted, but to no avail. We found this experience to be disheartening and we abandoned our efforts to survey complainants. However, OCC will evaluate other oversight agencies' methods of surveying complainants and police department members so a more comprehensive survey approach can be developed to enhance OCC's effectiveness.

As you noted in the audit, we do survey the complainants' and the police department members' satisfaction with the mediation process and the results of these surveys will be documented in OCC's 2004 Annual Report.

Once we develop a survey for the parties who participate in the investigation of complaints, we will make a monthly report to the Board detailing the results of both mediated and investigated complaint surveys.

RECOMMENDATION 4:

The OCC Director should create and seek input from an advisory group made up of representatives from a variety of community constituencies.

To increase and improve the credibility of OCC and to enhance the transparency of the process, I agree that an advisory group of community constituencies would be warranted. This group could assist OCC in identifying trends which could be extremely meaningful to the Board and the police department. You are correct – they could serve as the “eyes and ears” for OCC.

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It should be noted that the Board has created an advisory group for this office on several occasions. An advisory group was created in 1996 to study the complaint process and again in 2003 to review the revision to the policies and procedures of the complaint process. However, these were ad-hoc advisory bodies.

RECOMMENDATION 8:

The OCC Director should regularly test intake procedures at all complaint intake locations.

To increase and improve the credibility of OCC and to enhance the transparency of the complaint process, I agree with the recommendation for OCC to test intake procedures. This recommendation was also made in the 2000 performance audit conducted by your office, but development of a testing procedure was tabled until after the OCC policy was revised (which occurred in 2003). We will submit our proposal for a viable testing procedure and submit it to the Board for their review and approval.

RECOMMENDATION 9:

The OCC Director should ensure that complaint information and forms are available at a variety of locations and that the information on the KCPD website about the complaint process is comprehensive and accurate.

To increase and improve the credibility of OCC and to enhance the transparency of the complaint process, I agree with this recommendation regarding accessibility of complaint forms and information. We have begun contacting our off-site locations about additional training regarding the intake process and advising them about the accessibility of the complaint forms. Also, we have made contact with the City to update information contained on both the City's website and on the police department's website. This information had not been updated since the revision of the OCC policy in 2003.

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RECOMMENDATION 10:

The OCC Director should provide multilingual complaint forms and information about the complaint process.

To increase and improve the credibility of OCC and to enhance the transparency of the complaint process, I agree with this recommendation to provide multilingual complaint forms and information about the complaint process. We are making every effort to ensure that all of our forms and information about the complaint process is multilingual. The complaint process is designed for any individual who has a complaint against a member of the police department, regardless of their ethnicity or status as a citizen.

In closing, I appreciate the professionalism and objectivity that you, Ms. Nancy Hunt, and Ms. Deborah Jenkins exhibited in the methodology you utilized in auditing our complaint process. I believe your audit correctly identified and highlighted the main cause of OCC's lack of credibility within the community and the police department. I look forward to discussing the audit and my responses with you during the exit conference.

Respectfully submitted,



I. Pearl Fain
Director
Board of Police Commissioners
Office of Community Complaints

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